

Before The
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

PUBLIC INQUIRY CONCERNING
THE TERMS OF 39 U.S.C. § 404(d)

Docket No. PI2016-2

**UNITED STATES POSTAL SERVICE OPPOSITION TO
MOTION OF ELAINE MITTLEMAN TO SUPPLEMENT THE RECORD**
(April 25, 2016)

The United States Postal Service (Postal Service) respectfully requests that the relief requested in Commenter Elaine Mittleman's Motion to Supplement the Record, filed April 15, 2016,¹ be denied. The Postal Service submits that the substance of Ms. Mittleman's Motion to Supplement the Record reflects an attempt to circumvent the Commission's April 7, 2016 Order denying her Motion for Extension of Time to File Reply Comments.² Since her instant motion is improper and since Ms. Mittleman fails to demonstrate any appropriate basis for supplementing the record, all relief requested in her motion should be denied.

On March 29, 2016, Ms. Mittleman filed a Motion for Extension of Time to File Reply Comments.³ Her motion was filed on the same day reply comments in this docket were due. All parties interested in filing reply comments, including Ms. Mittleman, had previously been extended the benefit of a 20-business day extension of

¹ Motion of Elaine Mittleman to Supplement the Record, PRC Docket No. PI2016-2, April 15, 2016.

² PRC Order No. 3220, Order Denying Motion for Extension of Reply Comment Deadline, PRC Docket No. PI2016-2, April 7, 2016.

³ Motion of Elaine Mittleman for Extension of Time to File Reply Comments, PRC Docket No. PI2016-2, March 29, 2016.

the original March 1 deadline.⁴ On April 7, 2016, the Commission issued Order No. 3220, denying her motion for extension to file reply comments.⁵ In its Order, the Commission stated, that “Ms. Mittleman has not shown good cause why her Request for Extension should be granted.” *Id.* at 3.

Similarly, in this instance, Ms. Mittleman has not demonstrated that there are new facts or issues that have arisen, which might provide a basis to supplement the record. Rather, Ms. Mittleman presents commentary on the scope of the Commission’s jurisdiction under 39 U.S.C. § 404(d) as well as her analysis of its application in the *Pimmit Branch* proceeding – arguments made in her initial comments filed in this docket, as well as in the earlier proceeding before the Commission.⁶

Ms. Mittleman’s April 15, 2016 Motion was submitted well after the March 29 deadline for filing, and in the absence of any proffer that good cause exists to justify a belated filing, as required by PRC Order No. 3220, her Motion to Supplement the Record and her requested relief should be denied.

⁴ PRC Order No. 3097, Order Granting Motion for Extension of Reply Comment Deadline, February 24, 2016.

⁵ See PRC Order No. 3220, *supra*.

⁶ PRC Order No. 1159, Order Dismissing Appeal, Docket No. A2011-90 at 2. In this case, the Commission dismissed Ms. Mittleman’s petition seeking review of the Postal Service’s Final Determination to close the Pimmit Branch facility near Falls Church, Virginia for lack of jurisdiction.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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